

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DEMETRIUS BROWN)	
Plaintiff)	
)	
)	C.A. No. 04-379 Erie
)	
US DEPARTMENT OF JUSTICE, et al)	
Defendants)	

ORDER

AND NOW, this 21st day of December, 2005:

IT IS ORDERED that Plaintiff's motion to effect new service on Defendant Kendig [Document # 38] is GRANTED as it appears that the U.S. Marshal Service has attempted service at the wrong address.

IT IS FURTHER ORDERED that the U.S. Marshal Service serve Defendant Kendig at the Washington D.C. address provided by Plaintiff on the service form (see Document # 38, Exhibits).

IT IS HEREBY ORDERED that the United States Marshal is directed to mail a copy of the complaint, amended complaint, notice of lawsuit and request for waiver of service of summons, and waiver and this order to each defendant as directed by plaintiff. Costs shall be advanced by the United States. The defendant is requested to waive service pursuant to Rule 4(d).¹

IT IS FURTHER ORDERED that plaintiff provide the United States Marshal a separate "Process Receipt and Return" form (USM-285) for each defendant (unless he sent properly completed forms to the Clerk with the complaint). If the plaintiff does not have sufficient copies of the form to prepare one for each defendant, he may obtain additional forms from the Clerk of Court. On this form he must give the full name and complete home address of each

1 . The Marshal will send the form Notice of Lawsuit and Request for Waiver of Service of Summons to each defendant.

individual defendant. If plaintiff fails to give the Marshal correct instructions for mailing to any defendant, his claims against that defendant may be dismissed pursuant to Federal Rule of Civil Procedure 4(m). The plaintiff is further advised that no defendant is required to respond to the complaint until he has accepted a copy of the complaint from the Marshal and waived service, or has been served. Therefore, a motion for default cannot properly be filed unless the defendant has failed to file an answer, a motion to dismiss, or a motion for additional time to respond, within sixty (60) days after the Marshal's notice has been mailed, if service is waived pursuant to the notice, or twenty (20) days after being served.

S/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
CHIEF UNITED STATES MAGISTRATE JUDGE

cc: U.S. Marshal Service